

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America

v.

JUAN CARLOS GALVAN-MARCELO

Case No.

1:20-mj-00006

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 18, 2019 in the county of Bartholomew in the
Southern District of Indiana, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326(a)

Illegal Reentry of Removed Alien

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Vincent Ogden, ICE Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/06/2020


Judge's signature

City and state: Indianapolis, Indiana

Debra McVicker Lynch, U.S. Magistrate Judge

Printed name and title

I, Vincent Ogden, being duly sworn upon oath, state as follows:

1. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement ("DHS/ICE"), Enforcement and Removal Operations. I have been employed by DHS/ICE since September 2011. I am currently assigned to the Fugitive Operations Team in Indianapolis, Indiana. I have more than 10 years of training and experience in the enforcement of the immigration and naturalization laws of the United States. As part of my duties as a Deportation Officer, I investigate criminal immigration violations including illegal reentry into the United States. Prior to joining DHS/ICE, I was employed as a Border Patrol Agent with the United States Border Patrol in El Centro, California from January 2009 until September 2011.

2. The following information is based upon my personal knowledge or information provided to me by other law enforcement personnel and DHS/ICE records pertaining to the defendant, Juan Carlos GALVAN-MARCELO (hereinafter, "GALVAN-MARCELO"). This affidavit is submitted in support of a complaint and arrest warrant charging GALVAN-MARCELO with Illegal Re-Entry of a Previously Deported Alien, in violation of 8 U.S.C § 1326(a). It does not include every fact known to me about the investigation, but rather only those facts that I believe are sufficient to establish the requisite probable cause.

3. GALVAN-MARCELO is a citizen of Mexico by birth, having been born in Guerrero, Mexico.

4. On or about May 20, 2006, the United States Border Patrol ("USBP") apprehended GALVAN-MARCELO after he entered the United States without inspection, from Mexico, near Nogales, Arizona. USBP granted GALVAN-MARCELO a voluntary return to Mexico the same day, granted in lieu of formal removal proceedings.

5. On or about August 25, 2007, the Bartholomew County Sheriff's Office arrested GALVAN-MARCELO in Bartholomew County, Indiana, and charged him with False Government Issued Identification, in violation of Ind. Code § 35-43-5-2.5, and Operating a Motor Vehicle Without a License, in violation of Ind. Code § 9-24-18-1. On or about January 23, 2008, in the Bartholomew Superior Court, GALVAN-MARCELO pleaded guilty to Operating a Motor Vehicle Without a License, in violation of Ind. Code § 9-24-18-1, and received a sixty (60) day jail sentence, suspended. The Court dismissed the charge of False Government Issued Identification.

6. On or about January 28, 2011, the Bartholomew County Sheriff's Office arrested GALVAN-MARCELO in Bartholomew County, Indiana, and charged him with Operating a Motor Vehicle Without a License, in violation of Ind. Code § 9-24-18-1.

7. On or about January 31, 2011, an ICE officer, from the ERO Indianapolis office, interviewed GALVAN-MARCELO at the Bartholomew County Jail in Columbus, Indiana. ICE determined GLAVAN-MARCELO to be a native and citizen of Mexico. GALVAN-MARCELO admitted to ICE that he entered the United States without inspection on an unknown date via an unknown location. An ICE detainer was issued to the Bartholomew County Jail for GALVAN-MARCELO.

8. On or about March 23, 2011, in the Bartholomew Superior Court, GALVAN-MARCELO pleaded guilty to Operating a Motor Vehicle Without a License, in violation of Ind. Code § 9-24-18-1, and was ordered to pay fines/costs and to receive a ninety (90) day license suspension.

9. On or about March 30, 2011, ICE placed GALVAN-MARCELO into immigration custody from the Bartholomew County Jail. ICE served GALVAN-MARCELO a

Notice to Appear (Form I-862), pursuant to § 212(a)(6)(A)(i) of the Immigration and Nationality Act (“Act”), and released him from ICE custody on his own recognizance.

10. On or about March 15, 2012, an immigration judge, with the Executive Office for Immigration Review, in Chicago, Illinois, granted GALVAN-MARCELO’s application for voluntary departure to Mexico.

11. On or about April 10, 2012, GALVAN-MARCELO departed the United States, via Hidalgo, Texas, in accordance with his voluntary departure order, with the departure being verified via ICE Form I-210, Notice of Action-Voluntary Departure.

12. On or about November 1, 2012, the USBP apprehended GALVAN-MARCELO after he entered the United States without inspection, from Mexico, near Lukeville, Arizona. USBP determined alienage and issued GALVAN-MARCELO a Notice and Order of Expedited Removal (Form I-860), pursuant to § 212(a)(7)(A)(i)(I) of the Act. GALVAN-MARCELO was transferred to ICE custody on or about November 4, 2012, to await removal to Mexico.

13. On or about November 6, 2012, ICE removed GALVAN-MARCELO to Mexico, via Del Rio, Texas, in accordance with his removal order.

14. On or about November 25, 2019, the Columbus Police Department arrested GALVAN-MARCELO, in Bartholomew County, Indiana, and charged him with Possession of Cocaine, in violation of Ind. Code § 35-48-4-6(a), and Driving While Suspended, in violation of Ind. Code § 9-24-19-2. The case is pending.

15. On or about December 18, 2019, Special Agent Chris Wright, with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), contacted me regarding suspected illegal aliens who law enforcement officers had encountered during a traffic stop in Columbus, Indiana (within the Southern District of Indiana). Agent Wright provided biographical information,

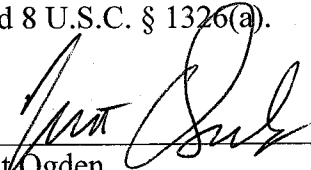
including a photograph, for an individual by the name of Juan Carlos GALVAN, with DOB: XX-XX-1979, born in Mexico. A search of DHS law enforcement databases and indices positively identified the individual as GALVAN-MARCELO. GALVAN-MARCELO is currently pending criminal charges in Bartholomew County, Indiana, for dealing/possession of methamphetamine.

16. GALVAN-MARCELO has made no claim to U.S. citizenship or permanent residency, and he has not provided any valid immigration documentation that would permit his entry/residence/work authorization in the United States.

17. DHS/ICE maintains an indexing on all aliens identified by an alien registration number. This record is available to me and is file number A201 114 871 in the name of Juan Carlos GALVAN-MARCELO, date of birth XX-XX-1979 (known to me but redacted).

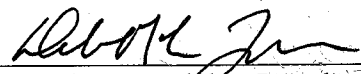
18. DHS/ICE records indicate that GALVAN-MARCELO is a citizen of Mexico, and he has not obtained permission from the Attorney General or his successor, the Secretary of Homeland Security, to reapply for admission to the United States.

19. Based on the foregoing, there is probable cause to believe that on or about December 18, 2019, GALVAN-MARCELO violated 8 U.S.C. § 1326(a).



Vincent Ogden
Deportation Officer

Subscribed and sworn to before me on this 6th day of January, 2020.



Hon. Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana